

ARTICLE 03.

FLOODPLAIN REGULATIONS BY-LAW AMENDMENT

To see if the Town will vote to adopt, amend and incorporate certain required floodplain management regulations of Chapter 325: Zoning, Article XVII: Floodplain Regulations, Flood Insurance Rate Maps (FIRM) and the Flood Insurance Study (FIS) report, which is dated and effective on July 16, 2014, pursuant to §1361 of the National Flood Insurance Act of 1968, as amended, as a condition of continued eligibility in the National Flood Insurance Program (NFIP) and to conform with the Federal Emergency Management Administration's (FEMA) new countywide mapping format, and to act fully thereon. By request of the Planning Board.

Summary: These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature nor does the revised flood hazard data impact the scope or intent of the by-laws. The revised flood maps are available for viewing online at the Cape Cod Commission's website or copies are available at the Harwich Planning Department.

*Strikethrough represents language proposed for deletion
Underline represents language proposed for inclusion*

Chapter 325: Zoning, Article XVII: Floodplain Regulations

§ 325-104. Purpose. [Unchanged]

§ 325-105. Floodplain areas.

~~The areas in which these regulations apply (floodplain) are designated on the Town of Harwich Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) dated July 3, 1986, and July 12, 1992, as Zones A, AE, AH, AO, A1-A30, A99, V, and V1-30, which indicates the one-hundred-year regulatory floodplain. The exact boundaries of the district may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated July 3, 1986. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Department and Building Official.~~

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Harwich designated as Zone A, AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management

Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Harwich are panel numbers 25001C0584J, 25001C0592J, 25001C0601J, 25001C0602J, 25001C0603J, 25001C0604J, 25001C0606J, 25001C0607J, 25001C0608J, 25001C0609J, 25001C0611J, 25001C0612J, 25001C0613J, 25001C0616J, 25001C0617J, 25001C0626J and 250010628J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department, and Building Official.

§ 325-106. Use regulations.

A. Existing regulations.

(1) All development in the floodplain, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with the following:

(a) Section of the State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR ~~3107.0~~, *Flood Resistant Construction*).

(b) Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).

(c) Inland Wetlands Restriction, DEP (currently ~~302~~ 310 CMR ~~6~~ 13.00).

(d) Coastal Wetlands Restriction, DEP (currently ~~302~~ 310 CMR ~~4~~ 12.00).

(e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

(f) Minimum Requirements for the Subsurface Disposal of Sewage Regulations, Town of Harwich.

(g) Harwich Wetlands Protective Bylaw. Editor's Note: See Ch. 310, Wetlands Protection.

(2) Any variance from the provisions and requirements of the above-referenced state or local regulations may only be granted in accordance with the required variance procedures of these state or local regulations.

B. Other use regulations.

(1) Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

~~(2) In Zone AE, along watercourses that have a regulatory floodway designated on the Town of Harwich FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.~~

[new] In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(3) Man-made alterations of sand dunes are prohibited within Zones ~~V1-30, VE, and V~~ which would increase potential flood damage.

(4) Located within the floodplain are areas designated as coastal high-hazard areas (Zones ~~V1-30, VE, and V~~). Since these areas are extremely hazardous due to high-velocity waters from tidal surges and hurricane wave wash, the following provision shall apply: all new construction shall be located landward of the reach of mean high tide. Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.

(5) All subdivision proposals shall be reviewed to assure that:

(a) Such proposals minimize flood damage;

(b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided to reduce exposure to flood hazards; and

(d) Each lot will be served by water and sanitary disposal systems certified by the Board of Health to be so designed as to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters in the event of flooding to base elevations.

(6) In unnumbered A Zones, in the absence of Federal ~~Insurance Administration~~ Emergency Management Agency data, the base flood elevations shall be determined by obtaining, reviewing and reasonably

utilizing any existing base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

[new] (7) In a riverine situation, the Community Rating System Coordinator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

§ 325-107. Permitted uses. [Unchanged]

§ 325-108. Definitions. [Unchanged]

Provided, however, that (i) the provisions of this Article shall not take effect until July 16, 2014; (ii) if FEMA postpones the effective date of the Barnstable County FIRM and FIS to a definite date later than July 16, 2014, the provisions of this Article shall not take effect until that later effective date; and (iii) if FEMA withdraws the FIRM and FIS, or indefinitely postpones the effective date, this Article shall not take effect.